

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID LEE FARRIS,

Petitioner,

v.

WILLIS CHAPMAN,

Respondent.

---

Civil No. 2:19-CV-10265

HONORABLE SEAN F. COX

UNITED STATES DISTRICT JUDGE

**OPINION AND ORDER DIRECTING THE CLERK OF THE COURT TO TRANSFER  
THE MOTION FOR A CERTIFICATE OF APPEALABILITY (ECF No. 17) TO THE  
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. 2254, challenging his state court convictions. The Court denied the petition for a writ of habeas corpus with prejudice. The Court also denied petitioner a certificate of appealability and leave to appeal *in forma pauperis*. *Farris v. Chapman*, No. 2:19-CV-10265, 2020 WL 1550917 (E.D. Mich. Apr. 1, 2020).

Petitioner filed a Notice of Appeal. (ECF No. 16). Petitioner has also filed a motion for a certificate of appealability (ECF No. 17). The heading on the motion says “United States Court of Appeals.”

The proper procedure when a district court denies a certificate of appealability is for the petitioner to file a motion for a certificate of appealability before the appellate court in the appeal from the judgment denying the petition for a writ of habeas corpus or the motion to vacate sentence. *See Sims v. U.S.*, 244 F.3d 509 (6th Cir. 2001)(citing Fed. R. App. P. 22(b)(1)). Petitioner should direct his request for a certificate of appealability to the Sixth Circuit. Petitioner, in fact, lists the Court of Appeals on the heading of his motion. The Court, in the interests of justice, will order

that petitioner's motion for a certificate of appealability to be transferred to the United States Court of Appeals for the Sixth Circuit.

**IT IS HEREBY ORDERED** that:

The Clerk of the Court is **ORDERED** to transfer the "Motion for a Certificate of Appealability" (ECF No. 17) to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

**Dated: May 19, 2020**

s/Sean F. Cox

**HONORABLE SEAN F. COX**  
**UNITED STATES DISTRICT JUDGE**